August 6, 1997

MEMO

Clarksburg Town Center Review Team TO:

CBP- Lynn Coleman, Callum Murray, Karen Kumm, John Carter

Parks - Tanya Schmieler, Gene Elliot Transportation - Ron Welke, Ki Kim

Historic Preservation - Gwen Wright, Perry Kephart

Environmental - Cathy Conlon

Development Review - Larry Ponsford, Michael Ma, Joe Davis

Also: MCDPS - Sara Navid

MCDPS - Leo Galanko MDSHA - Greg Cooke PEPCO - Flor Cascio

Bell Atlantic - Bob Thompson

WSSC - Norma Thacker MCDEP - Alan Soukoup MCPS - Janice Turpin

RE: Review of Site Plan #8-98001

Clarksburg Town Center

FROM:

Wynn E. Witthans, Development Review // W Site Plan Reviewer for Clarksburg Town Center

(301) 495-4584

Attached are the conditions of approval from the Planning Board for Preliminary Plan #1-95042 and Project Plan # 9-94004 for your use in reviewing the above mentioned site plan. I will call you prior to the DRC to coordinate our review comments. Call me if you have any initial comments or concerns.

Date of mailing: March 26, 1996

MONTGOMERY COUNTY PLANNING BOARD REVISED OPINION

Preliminary Plan No.: #1-95042

Name of Plan: Clarksburg Town Center

Action: Approval, subject to conditions. (Motion by Commissioner Aron; seconded by Commissioner Holmes; with a vote of 5 to 0, Commissioners Aron, Holmes, Hussmann, Baptiste and Richardson voting in favor of the motion).

INTRODUCTION

On September 28, 1995, the Montgomery County Planning Board ("Board") held a public hearing to consider Preliminary Plan 1-95042, an application for subdivision approval in the RMX-2 zone. The proposed uses include residential, retail and commercial development. The Applicants, Piedmont & Clarksburg Associates, proposed to create 834 lots on 267.50 acres of land.

At the hearing, the Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented, the Board finds Preliminary Plan 1-95042 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-95042, subject to the conditions listed at the end of this opinion.

BACKGROUND

The property is located northeast of Maryland Route 355 between Clarksburg Road and Stringtown Road (A-260 on the Master Plan). Piedmont Road crosses through the northern portion of the property. The Applicant proposes construction of 1,300 dwelling units, including townhomes, multi-family and single-family residences. The proposal also includes 150,000 square feet of retail space and 100,000 square feet of office/development space.

The underlying development authority, Project Plan No. 9-94004, was approved by the Planning Board on May 11, 1995, after two prior Planning Board meetings (held on April 6 and 20, 1995). The record for Preliminary Plan 1-95042 specifically includes the records from those prior hearings.

anticipated revenue must be added to the capital gap, with a total estimated funding gap of approximately \$126 million. Staff thus estimated the Applicant's share of this infrastructure to be approximately 10 percent, or \$12.5 million, with no County or State input. The Planning Board concluded that the Stringtown Road improvement, which will be the responsibility of the applicant, represents the current best estimate of the Town Center's share of the Master Plan road infrastructure (as more particularly identified in revised traffic staff memo of 09/26/95.)

Staff noted that if the Council adopts an impact tax or other alternative road infrastructure funding mechanism, then the Applicant's contribution (in the form of improvements to Stringtown Road) will be assessed and, if found lacking, will be augmented by additional tax requirements. The Board determined that the infrastructure schemes proposed by the Master Plan are legislative in nature, will be implemented by the Council, and may or may not grandfather development predating any such legislation. The Board concluded that to anticipate the Council's actions would be presumptive, and premature.

MCDOT has requested that the hiker/biker trail shown in the Clarksburg Master Plan along Stringtown Road (A-260) be constructed along P-5 from Frederick Road (MD 355) to Piedmont Road (A-305), in lieu of the Master Plan Alignment. The developer has agreed to construct the hiker/biker trail along P-5.

Applicant also will be required to dedicate approximately 8 acres of land for a future school site, to be used in the interim as public parkland. At the time the school is developed, if ever, the parkland adjoining the school site will be jointly used as school athletic facilities and public parkland under an easement agreement between The Maryland-National Capital Park and Planning Commission and Montgomery County Public Schools (MCPS). MCPS staff asked that the entire future school site (10-12 acres) be dedicated to MCPS at this time. Under normal circumstances this would be the usual procedure. In this instance, however, staff recommended and the Board agreed that within the Clarksburg Town Center, a planned park/school site provides a more efficient use of land than separate facilities. In addition, if the land ultimately is not needed as a school site, then the land should be retained as public parkland. The Board determined that this joint use, with the recreational facilities remaining under The Maryland-National Capital Park and Planning Commission ownership, would afford the most efficient public use of the land.

Therefore, with all of the evidence heard and all testimony taken, The Planning Board, approved the plan, including (1) waiver of the distance between intersections requirements as contained in Section 50-26 of the Subdivision Regulations and (2) approval of closed street sections subject to MCDOT approval. The approval is subject to the following conditions:

- (a) M-NCPPC and the Applicant will enter into an agreement specifying that an exchange of land, identified as areas "B1" and "B2" on the park/school concept drawing set out on Circle Page 49 of the staff report, will occur prior to the execution of the Site Plan Enforcement Agreement.
- (b) Dedication of the approximately 8 acre area, identified as area "A" on the same park/school concept drawing identified above, will occur either at the time of recordation of the plats for the adjacent phase of the project or at such time as funds for construction of the future elementary school are added to the County CIP, whichever occurs first.
- (c) The Applicant will provide site grading, infield preparation and seeding of the replacement athletic fields on the approximately 8 acres of dedicated land at a time which insures that there will be no disruption in the continued use of the existing athletic fields prior to completion of the replacement athletic fields.
 - (i) In the event that dedication occurs when funds for the proposed school are shown in the CIP, Applicant will complete work on the replacement fields prior to the construction of the proposed school.
 - (ii) In the event that dedication occurs prior to funding for the school being shown in the CIP, then upon construction of Street "F", as shown on the revised preliminary plan, Applicant will commence work on replacement of the baseball In addition, if at site plan it is determined that there is sufficient earth material on site to construct both replacement fields, then Applicant will also rough grade and seed the replacement soccer field when construction of Street "F" begins. Area tabulations for the proposed park/school complexes to be submitted for technical staff review at site plan. Final grading plan for the park/school site to be submitted for technical staff approval as part of the site plan application.
- 7. In accordance with Condition #6 above, Applicant to enter into an agreement with the Planning Board to provide for site grading, infield preparation and seeding of the replacement athletic fields in accordance with Parks Department specifications, as shown on the preliminary plan drawing, and as specified in the Department of Parks' Memorandum dated September 22, 1995. The construction of

- (c) After the 400th building permit, the developer has two options:
 - 1) Construction of A-260 from MD 355 to the southern access road of the commercial site (commercial access road between A-260 and P-5) and construction of P-5 across the stream valley into the residential area north of stream valley.
 - 2) Construction of A-260 from MD 355 to the northern access road of the residential development and construction of a northbound right-turn lane along MD 355 at A-260 should be included in this phase.
- (d) After the 800th building permit, the developer must start construction of remaining section of A-260 to A-305, and intersection improvements at MD 355 and MD 121 to construct eastbound & westbound left-turn lanes along MD 121.
- (e) Construction of A-305 from A-260 to MD 121 must begin when the developer starts building any of the residential units on blocks 11, 12, 13, and the northern half of block 10.
- 17. This preliminary plan will remain valid until March 26, 2005. (9 years and 1 month from the date of mailing which is February 26, 1996). The recordation of plats shall occur in accordance with the phasing identified in Condition 1(b) of this opinion, and as further stipulated in the Planning Board's approval of the phase 1 site plan review. Prior to the expiration of the validity period for each phase, a final record plat for all property delineated in a particular phase must be recorded or a request for an extension must be filed. The first phase of the preliminary plan must be recorded by March 26, 1999 or a request for an extension must be filed.

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MONTGOMERY COUNTY PLANNING BOARD REVISED OPINION

Project Plan No. 9-94004 CLARKSBURG TOWN CENTER

RMX-2 Zone

1300 Residential Units, 150,000 Square Feet of Retail, and 100,000 Square Feet of Office

SE Quadrant Frederick Road/Stringtown Road

Clarksburg

Date Mailed: June 12, 1995

Action: On May 11, 1995, motion was made by Commissioner Aron, seconded by Commissioner Holmes, with a vote of 3-1, Commissioners Aron, Holmes, and Hussmann voting for the motion. Commissioner Baptiste opposed to the motion, and Commissioner Richardson absent.

On December 6, 1954, the Clarksburg Town Center Venture (Piedmont Land Associates L.P. and Clarksburg Land Associates L.P.) submitted a complete project plan application seeking to develop pursuant to the optional method of development in the RMX-2 Zone. The application includes a range of housing opportunities, retail shops, a grocery store, restaurants, personal services, and offices.

On April 6, April 20, and May 11, 1995, Project Plan #9-94004 was brought before the Montgomery County Planning Board for a public hearing pursuant to Chapter 59 of the Montgomery County Code. At the public hearings, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the oral testimony, written evidence submitted for the record, and the staff report, the following conditions and findings are hereby adopted.

In voting against the motion, Commissioner Baptiste was concerned about approving this project plan before the water quality regulations, the sewer authorization, and the creation of a development district to fund future roads were complete. The other Commissioners were aware of these issues, but they determined that these issues were addressed at a concept level for the project plan. The remaining, more specific issues could be addressed prior to approval of the preliminary plan.

CONDITIONS

The Planning Board approves Project Plan No. 9-94004 subject to the following conditions:

1. Development Ceiling

The project plan for the Clarksburg Town Center is limited to 1300 dwelling units, 150,000 square feet of retail space, and 100,000 square feet of office space to be constructed in three basic phases as shown in the project plan. The following is the staging plan for traffic improvements:

- a. Stage 1 950 Units
- b. Stage 2 155 Units
- c. Stage 3 195 Units
 - 90,000 Square Feet of Retail
- d. Stage 4 60,000 Square Feet of Retail
 - 75,000 Square Feet of Office
- e. Stage 5 25,000 Square Feet of Office

The public building areas (i.e., elementary school, park buildings, and library) are not included in the calculations.

2. Transportation Improvements

The following road improvements, at each stage of development, are needed to provide enough capacity to serve the proposed development:

- a. Stage 1 Reconstruction of the southbound right turn lane along MD 355 at MD 121 to provide a "free flowing" movement.
- Stage 2 Construct an eastbound left turn lane along MD 121 at MD 355.
 Construct a westbound left turn lane along MD 121 at MD 355.
- c. Stage 4 Construct a northbound right turn lane along MD 355 at Stringtown Road.
- d. Stage 5 Restripe eastbound Comus Road to provide exclusive left turn lane at MD 355.
- e. A-260 (Stringtown Road) must be dedicated to a right-of-way of 120 feet. At the preliminary plan, if determined that the property is not part of a participation agreement with MCDOT and other property owners, the safety improvements described in paragraph 4., will be made to Stringtown Road.

- f. Participate in the Gateway I-270 Office Park road improvements as described below unless determined as not appropriate at the preliminary plan. At such time as the developer of the Gateway 270 Office Park commences construction of its required improvements between I-270 northbound off-ramp and the entrance to Gateway 270 Office Park (Transportation Planning Division memorandum dated September 25, 1989, Paragraph 1.b. and 2.), the applicant shall participate in such improvements provided:
 - 1. Applicant has not completed its Stage 3 traffic improvements for the project.
 - 2. Gateway I-270 preliminary plan has not expired.
 - 3. Applicant's participation shall be limited to its pro rata share of traffic through this link in relation to the traffic to be generated by Gateway I-270 Office Park approvals plus any other approved development projects that place traffic through this link.

3. Dedication and Construction of A-305 (Mid-County Highway)

A-305 (Mid-County Highway) must be dedicated to a right-of-way of 80 feet and constructed as a two lane, open section arterial to replace Piedmont Road unless the scope of improvements are reduced at preliminary plan. Along that portion of A-305 near Stringtown Road, the required dedication shall be 40 feet from the current center line of Piedmont Road (along Hennigan, Purdum et al) which will allow for construction of A-305 to Stringtown Road at its current location. If the right-of-way is not available at the time of record plat for that portion of the property along this section, the applicant shall dedicate the full 80 feet along this portion of A-305. Construction will not be necessary until construction of single family detached units within the existing right-of-way for Piedmont Road has started.

4. Dedication and Construction of A-260 (Stringtown Road)

If a participation agreement is determined necessary at preliminary plan, but does not occur before the necessary access points to the commercial area or part of the residential area from A-260 are needed, then the following improvements to existing Stringtown Road must be completed to increase safety as required by MCDOT. For safety purposes, the improvements at public streets A and H include 250-300 feet of bypass travel lanes at each access point. The right-of-way for A-260 (Stringtown Road) will be located outside of the Historic District with a transition to the center line of the existing roadway north of the crossing of Little Seneca Creek.

5. Environmental Improvements Before Approval of the Preliminary Plan

Submit for review before the Planning Board hearing on the preliminary plan the following:

- a. Concept plan for the proposed SWM facilities and roads near or in stream buffer, and associated grading, with indication of where tree planting is permitted.
- b. A staging plan for SWM with the extent of each proposed phase of development and the order in which they will be built. This shall be submitted as part of the first site plan, and should cover the entire site.
- c. A preliminary forest conservation plan addressing priority for planting in the Little Seneca watershed. As site plans for each portion of the site that abut afforestation areas are submitted, detailed afforestation plans for that section will be provided. Within each area of development, planting shall occur as early as practicable given land development activity constraints in accordance with logical staging concepts. Forestation requirements will be satisfied first in Little Seneca basin on-site, then in the Little Bennett basin on-site, then in stream buffer areas in Little Seneca off-site if the land is made available, and if a good faith effort to arrange such land availability fails, then elsewhere on the site.
- d. Applicant shall meet all requirements for preliminary water quality plan submission and approval, per Chapter 19, Article V "Water Quality Review in Special Protection Areas" (proposed monitoring plan may be submitted as part of the review of the site plan). Location of units, roads, and other layout concerns will be subject to the final water quality regulations.

6. Environmental Improvements

- a. Minimize disturbance in the stream buffer except for road crossings, unavoidable utilities, SWM locations adjoining the town center retail area and greenway road, soft surface pathways, and memorial elements.
- b. As part of the preliminary plan, provide an area within the applicant's stormwater management facilities for stormwater management for the school site.

7. Park/School

The proposed layout of the park/school site is generally acceptable. At the preliminary plan, the final concept plan and related terms and conditions will be finalized in coordination with the Parks Department and Montgomery County Public Schools.

8. Historic Preservation

Incorporate the following items into the project plan before review of the site plan for this area:

- a. Minimize the width of both the right-of-way and paving (50 feet of ROW and 24-26 feet of paving, subject to approval by MCDOT) for Redgrave Place (Main Street) located within the Historic District.
- b. Provide access easements, if applicable, to future public sewer at the intersections of A-260 (Stringtown Road) and Redgrave Place (Main Street) with MD 355 (Old Frederick Road).
- c. Provide a small open space along the northern edge of the greenway next to Redgrave Place (Main Street) with an interpretive memorial element for the family of John Clark that incorporates the existing grave markers.
- d. If the ROW is available, construct Main Street to MD 355 within the Historic District prior to completion of Stage 3. At such time when the land is made available, share direct moving expenses only for relocating an existing house within the Historic District, and if the applicant and property owner agree, make available the identified outlot to be merged with a portion of the adjacent parcel so as to create another lot.

9. Compatibility with Existing Church and Adjacent Residences Within the Historic District

Increase the setback of the proposed public street located next to the church within the Historic District to 30 feet and provide screening for the existing cemetery. Relocate the tot lot away from the existing church, and maintain the area as open space to provide a potential linkage to the church. The size of lots and setbacks of the proposed development must match, approximately, the development standards in the

R-200 Zone for building setbacks and width of lots along the southeastern boundary of the site within the Historic District. Revise the landscape plan to increase visibility to the church. Provide an easement for a pedestrian connection to the church for the proposed, adjacent street.

10. Revise the Layout of Streets

Incorporate the following items into the site plans for each stage of development:

- a. Improvements to the Town Square Increase the size of the Town Square by utilizing a loop concept as shown on the revised drawing to reduce conflicts with east/west traffic and to improve pedestrian access.
- b. Relocate A-260 (Stringtown Road) in accordance with the revised alignment diagram to reduce the impact on adjacent residences. Reduce the number of access streets to A-260 from the area of the existing single family detached units (5) on the north side of Stringtown Road to meet the design standards for arterial roads.
- c. Eliminate the access to the proposed elementary school from MD 121 and provide access from the Greenway Road.
- d. Revise the access to A-305 (Mid-County Highway) to allow a direct connection from Burnt Hill Road to the Greenway Road, and improve the access to the single family detached units by utilizing private drives adjacent to A-305.

The present street system shown in the project plan requires waivers of existing standards. The applicant and staff have met with MCDOT to discuss the waivers. All waivers must receive final approval from MCDOT before approval of the site plan.

11. Staging of Amenities

All amenities shown within each stage of development must be completed within that stage of development. The concept design for the greenway, the school/park, and other large play fields, must be completed before approval of the first site plan.

Construction of the amenities within the greenway must be finalized before the completion of Stage 3.

12. Landscaping

The following items must be incorporated into the site plans:

a. Street trees, high quality street lights, sidewalk paving types, and street furniture as part of the design for the streetscape of roads, the Town Square, and the neighborhood squares.

- b. Increased landscaping in the commercial parking area.
- c. Landscaping for the buffer areas adjacent to all arterial roads.
- d. Screening for the existing homes within the Historic District.
- e. Landscaping for all stormwater management areas.

13. Maintenance

Maintenance of the private recreation areas, stormwater management facilities, applicable open spaces, and other amenities on private land must be maintained by an appropriate homeowners association. Before approval of the first building permit, submit a maintenance document that establishes an overall organization that establishes responsibility for maintenance of these facilities.

14. Additional Access to A-260 (Stringtown Road) and A-27 (Clarksburg Road)

Provide for an additional connection from Redgrave Place (Main Street) to the boundary of the historic district to permit a future connection to A-260 (Stringtown Road). Connect the private street that leads to the Town Square to A-27 (Clarksburg Road) with approval from the Planning Board and MCDOT provided this private street remains private.

As part of the review of the project plan, the Planning Board approved three waivers. The first waiver allows the use of closed section streets (curb and gutter) in special protection areas instead of open section streets. Closed section streets were approved because the high density of the development and the mix of commercial and residential uses are not appropriate for the use of open section streets. The project plan includes special stormwater infiltration measures for the streets instead of the use of open section streets. The Clarksburg Master Plan anticipated the use of closed section streets in the town center area.

The second waiver concerns the use of on-street parking. Waivers to utilize some on-street parking to reduce the requirement for off-street parking were approved subject to final review by the Planning Board at the site plan hearings.

The Planning Board also approved a third waiver to reduce setbacks along the streets and boundary lines as permitted in the Zoning Ordinance if designated in a master plan. These reduced setbacks will allow buildings to be oriented to streets to encourage the use of sidewalks and generally improve the pedestrian environment. The Clarksburg Master Plan also anticipated the reduction in setbacks to foster the creation of a pedestrian oriented town.

FINDINGS

1. Conforms with the Requirements and Intent of the RMX-2 Zone

The Planning Board finds that Project Plan #9-94004, as conditioned, meets all of the purposes and requirements of the RMX-2 Zone. A summary follows that compares the development standards shown with the development standards required in the RMX-2 Zone.

DATA SUMMARY: CLARKSBURG TOWN CENTER

Lot Area		Required	Proposed 201.34 acres (RMX-2) 68.82 acres (RDT) 270.16 acres total	
		NA NA		
Minir	num Green Area or Outside	Amenity Area	270.16 acres total	
a.	Within Commercial Area	15% (2.19 ac.)	28% (4.06 ac.)	
b.	Within Residential Area	50% (93.37 ac.)	53% (99.47 ac.)	
c.	Within RDT Area	NA `	(25.72 Acres	
Densi	ty of Development Shown in	the Master Plan:		
a.	Retail	150,000 sq.ft.	150,000 sq.ft.	
b.	Office	770,000 sq.ft.	100,000 sq.ft.	
c.	Civic Use (not including elementary school)	NA	24,000 sq.ft.	
d.	Residential	1380 du (5-7 du/ac)	1300 du (6.6 du/ac)	
MPDU's		12.5%	12.5%	
Maximum Gross Leasable (Non-Residential) Floor Area		600,000 sq.ft. (0.5 FAR)	250,000 sq.ft. (0.39 FAR)	
Setbac	cks:			
a.	From One-Family Zoning			
	 Commercial Bldgs. 	100 ft.	300 ft. min	
	 Residential Bldgs. 	50 ft.	50 ft. min.	
b.	From Any Street*			
	- Commercial Bldgs.	NA	0 ft. min.	
	- Residential Bldgs.	NA	10 ft. min.	
Buildi	ing Height:			
a.	Commercial	4 stories	4 stories (50 ft.)	
b.	Residential	4 stories	4 stories (45 ft.)	
Parkir	ng Spaces:	•		
a.	Off-street	2910	2910	
b.	On-street	NA	596**	

- Notes: * No minimum setback is required if in accordance with an approved master plan.
 - ** Off-street parking is necessary to provide street oriented buildings. A waiver from the on-street parking requirements is needed within some of the townhouse and multi-family areas.

The setback of residential buildings next to the Clarksburg Historic District must be modified to have a minimum setback of 50 feet.

2. Conforms to the Clarksburg Master Plan and Hyattstown Special Study Area

The Planning Board finds that Project Plan #9-94004, as conditioned, is in conformance with the Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area. The land use, circulation, and urban design objectives described in the Master Plan have been met by the Clarksburg Town Center. The mix of dwelling units conforms to the guidelines in the master plan as summarized in the following chart:

Unit	: Types	Master Plan Guidelines	Proposed Density Range
a. b.	Single family detached units Single family attached and	10-20%	130-260 Units
c.	townhouses Multi-family units	30-50% 25-45%	390-650 Units 325-585 Units

3. Compatibility with the Neighborhood

The Planning Board finds that the project plan, as conditioned, will be compatible with the existing and potential development in the general neighborhood because of its location, size, intensity, staging, and operational characteristics.

4. Will Not Overburden Existing or Proposed Public Services

The Planning Board finds that the proposed development, subject to its compliance of any requirements imposed by the preliminary plan will not overburden existing public services nor those programmed for availability, concurrently with each stage of development. Since approval of the project plan does not determine authorization or prevent other developments from proceeding, the Planning Board approves the project plan with the understanding that final authorization is dependent on the finding that Clarksburg Town Center will not preclude development of the Germantown Town Center.

5. Is More Efficient and Desirable than the Standard Method of Development

The Planning Board finds that the proposed project, as conditioned, will be more efficient and desirable than the standard method of development. This optional method project consists of a mix of uses which are recommended in the Master Plan. These uses are not permitted under the standard method of development.

The amenities and facilities provided as part of the optional method of development fosters the creation of a transit and pedestrian oriented town surrounded by open space. The green way network of amenities provides a major open feature. The town

square, and the neighborhood squares provide amenities within the entire development. The streetscape system provides a comprehensive system in addition to the minimum design standards. The recreational facilities provide small open play areas for the local neighborhood and large fields for the entire planning area that exceed the minimum standards. The orientation of buildings to streets and the layout of blocks provide a pedestrian orientation for the town center.

6. Includes Moderately-Priced Dwelling Units

The application includes moderately-priced dwelling units.